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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,465	11/21/2001	James J. Coogan	2001P21981US	3192

7590

04/25/2003

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
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EXAMINER

KOSOWSKI, ALEXANDER J

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,465

Applicant(s)

COOGAN, JAMES J.

Examiner

Alexander J Kosowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

- 1) Claims 1-15 are presented for examination. In the interview summary dated 10/11/02, applicant's representative elected claims 1-15 in response to the restriction mailed out 8/19/02.

Claim Objections

- 2) Claim 9 is objected to.

Referring to claim 9, the claim reads "is connected to second a". The claim should read -
-is connected to a second--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

- 3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 4) Claims 1-15 are rejected under 35 U.S.C. 102(b) as being unpatentable by Frutiger et al (U.S. Pat. 5,786,993).

Referring to claim 1, Frutiger discloses a device driver for a network device controller for selectively controlling an end device in a control network, said device driver comprising first means for selecting a plurality of first output signals from a plurality of first input signals (col. 4 lines 22-29 and Fig. 1), second means for selecting at least one second output signal from said first output signals (col. 4 lines 30-35 and Fig. 1), and third means for selecting an operating mode of the end device from a plurality of predefined operating modes based on said second output signal (col. 4 line 64 through col. 5 line 5 and Fig. 1).

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Referring to claim 2, Frutiger discloses that said first selecting means includes a plurality of input selectors, each having a plurality of inputs and an output (col. 4 lines 22-29 and Fig. 1), said second selecting means includes at least one intermediate selector having a plurality of inputs and an output (col. 4 lines 30-35 and Fig. 1), and said third selecting means includes an output selector having a plurality of inputs and an output (col. 4 line 64 through col. 5 line 5 and Fig. 1).

Referring to claim 3, Frutiger discloses that said output of each of said input selectors are connected to said plurality of inputs of said at least one intermediate selector, and said output of said at least one intermediate selector is connected to said output selector for selecting said operating mode (col. 4 line 22 through col. 5 line 5 and Fig. 1).

Referring to claim 4, Frutiger discloses said output of said at least one intermediate selector is input to a switch and an output of said switch is connected to said output selector for selecting the operating mode, when there are more than one said at least one intermediate selector (col. 7 lines 40-58).

Referring to claims 5-8, Frutiger discloses that said plurality of predefined operating modes includes a first operating mode in which the end device is operated at any point from a first mode to a second mode, is operated at said first mode or said second mode, is operated at said first mode, or is operated at said second mode (col. 1 lines 29-51, whereby "off" can represent a first mode, "on" can represent a second mode, and "economy" can vary which mode may be operated).

Referring to claim 9, Frutiger discloses that said plurality of input selectors are connected to a first common input select signal for selecting said first output signals, and said at least one

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intermediate selector is connected to a second common input select signal for selecting said second output signal (col. 4 line 22 through col. 5 line 5 and Fig. 1).

Referring to claim 10, Frutiger discloses that each of said plurality of first input signals corresponds to one of said predefined operating modes (col. 4 lines 1-21).

Referring to claim 11, Frutiger discloses a method of selectively controlling an end device in a control network, said method comprising the steps of selecting a plurality of first output signals from a plurality of first input signals (col. 4 lines 22-29 and Fig. 1), selecting a second output signal from said plurality of first output signals (col. 4 lines 30-35 and Fig. 1), and selecting an operating mode of the end device from a plurality of predefined operating modes based on said second output signal (col. 4 line 64 through col. 5 line 5 and Fig. 1).

Referring to claims 12-15, Frutiger discloses that said plurality of predefined operating modes include a first operating mode in which the end device is operated at any point from a first mode to a second mode, is operated at said first mode or said second mode, is operated at said first mode, or is operated at said second mode (col. 1 lines 29-51, whereby "off" can represent a first mode, "on" can represent a second mode, and "economy" can vary which mode may be operated).

Conclusion

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander J Kosowski whose telephone number is 703-305-3958. The examiner can normally be reached on Monday through Friday, alternating Fridays.

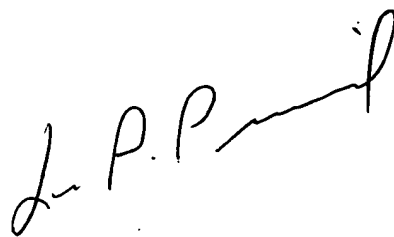
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703-308-0538. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications. In addition, the examiner's RightFAX number is 703-746-8370.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Alexander J. Kosowski
Patent Examiner
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A handwritten signature in black ink, appearing to read "L. P. Picard", written in a cursive style.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100